



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the regret of M. Moulin that the convention was not drawn up in a more scientific manner, *i. e.*, with more regard to the juridical meaning of the words employed.

(3) Does the Porter convention furnish us with a case of obligatory obligation? Absolutely speaking, no; practically, yes. It imposes upon the creditor nation the obligation of offering to arbitrate; but the debtor state has legally the option of resistance.

In spite of its imperfections, however, our author rates the value of the Porter convention very highly. It organizes in as efficacious a manner as possible the protection of the debtor states, it forestalls the danger of financial intervention, it strengthens the force of the Monroe and Drago doctrines.

Whether regarded as a whole or examined in detail, this work strikes us as excellent and altogether admirable. Its only serious defect, from the reviewer's standpoint, is that it gives him practically no ground for adverse criticism and fault-finding. The only positive error which we have noted is the misprint of the word *originaires* for *ordinaires* on page 317. It contains a very complete bibliography which even includes a list of newspaper articles. The author has apparently exhausted every possible source of information. But such is the custom in France and Germany.

No student of international relations, more especially of the relations between Europe and Latin America, can afford to ignore this work.

AMOS. S. HERSHEY.

The Mystery of the Pinckney Draught. By Charles C. Nott, formerly Chief Justice of the United States Court of Claims. New York: The Century Co. 1908. pp. 334.

The admitted facts in connection with the Pinckney draft may be stated as follows: On May 29, 1787, the same day that Governor Randolph submitted the Virginia resolutions to the Federal Convention, "Mr. Charles Pinckney, one of the deputies of South Carolina, laid before the house for their consideration the draft of a federal government." Both papers were referred to the Committee of the Whole House. The Virginia resolutions became the basis of the discussion for the next two months, while the Pinckney plan, so far as the records show, was not referred to by any one but its author. On July 24, a Committee of Detail was chosen for the purpose of drafting a constitution and to it

were referred twenty-three resolutions which had been agreed on, together with the Pinckney draft and the Patterson proposals. Two days later the Convention adjourned until August 6 in order to give the committee time to put the resolutions in shape. On the day set the committee submitted to the Convention printed copies of its report, which after discussion and amendment was later referred to a committee for revision and finally adopted as the Constitution of the United States.

When John Quincy Adams, as Secretary of State, was preparing the journal of the Convention for publication in 1818, no copy of the Pinckney draft was found among the papers of the Convention then in the Department of State. After applying to Madison for a copy and finding that he had none, Adams wrote to Pinckney, who replied that he had among his papers four or five rough drafts of his plan, and that he could not be absolutely sure which one was presented to the Convention, but that they were substantially the same and that he sent the one which he believed to be the document wanted. The draft submitted was written with the same ink and on the same paper as the letter, and the paper bore the water-mark of 1798. The draft thus obtained was printed in the official journal in 1819, in Elliot's *Debates*, in the *Documentary History of the Constitution*, and in other editions of the Convention papers. If this draft was the one presented to the Convention in 1787, then Pinckney is entitled to the credit of being the principal author of the Constitution.

For several years the draft appears to have gone unchallenged, but about 1830 Sparks and other investigators appealed to Madison to know if it was genuine. He stated in numerous letters and conversations that it was not, holding that the evidence against it was "irresistible," and he also prepared a *Note* to accompany his *Journal*, in which he called attention to certain discrepancies between the draft and the views advanced by Pinckney on the floor of the Convention. In order to avoid a direct charge of bad faith he ventured the explanation that the original document having been lost, Pinckney resorted for a copy to "the rough draft, in which erasures and interlineations following what passed in the Convention might be confounded in part at least with the original text, and after a lapse of more than thirty years confounded also in the memory of the author." Madison's view of the case has been generally accepted by historians.

In the volume before us Judge Nott holds a brief for Pinckney. He approaches the subject as an advocate rather than as an historian, and

his argument, though ingenious, fails to carry conviction. He assumes the genuineness of the document which Pinckney sent to Adams in 1818 and undertakes to explain away or reconcile all facts that are against it. He rejects Madison as a witness by assuming that Madison was not present when Pinckney read his draft and therefore was not aware of its contents. He points out the close resemblance between the Pinckney draft and the report of the Committee of Detail, a fact first noted by Sparks, and on this fact bases the remarkable hypothesis that the committee, which had only a few days for preparing the report, were so well pleased with Pinckney's draft, which had attracted little attention on the floor of the Convention and which was now carefully examined by them for the first time, that they adopted it as the basis of their report, entered whatever changes they made on the original, and then used it as "printer's copy." This of course would account for the disappearance of the document. But unfortunately for this hypothesis it is not the only explanation of the facts in question. There are other explanations more in accordance with the traditions.

The most serious defect in Judge Nott's argument is the use he makes of a pamphlet published by Pinckney shortly after the adjournment of the Convention, entitled "Observations on the plan of government submitted to the Federal Convention in Philadelphia on the 28th (sic) of May, 1787, by Mr. Charles Pinckney, delegate from the State of South Carolina, delivered at different times in the course of their discussions." Even Judge Nott admits that this speech was never delivered in the Convention. Pinckney had probably prepared it in Charleston before going to Philadelphia, and it was too good to be lost, so he had it published. Judge Nott uses the *Observations* to substantiate the draft where the two agree, but where they are at variance he reminds us that "a speech which was never spoken to a suppositional audience who never heard it, is not a public declaration of the contents of another paper."

It has been shown by Dr. Jameson in the *Report of the American Historical Association* for 1902 and by Professor McLaughlin in the Ninth volume of the *American Historical Review* that Pinckney made a large number of contributions to the Constitution, though mainly in the wording of clauses and in the suggestion of details. He prejudiced his own case by claiming a greater share in the work than he was entitled to, an error which the present volume merely accentuates.

JOHN HOLLADAY LATANÉ.